

AMENDED IN ASSEMBLY MARCH 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 202**

**Introduced by Assembly Member Corbett**

January 28, 2003

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An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, as amended, Corbett. Birds: sale.

Existing law contains several requirements applicable to pet dealers of dogs and cats and provides that those provisions are not applicable to publicly operated pounds and humane societies.

This bill would require a pet shop, as defined, to maintain written records on the sale of each bird, as defined, and would prohibit pet shops from possessing or selling an unweaned bird. This bill would require those records to be available to humane officers, animal control officers, and law enforcement officers for inspection during normal business hours. This bill would provide that these provisions do not apply to publicly operated pounds and humane societies.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Chapter 6 (commencing with Section 122320)
- 2 is added to Part 6 of Division 105 of the Health and Safety Code,
- 3 to read:
- 4

## CHAPTER 6. SALE OF BIRDS

122320. As used in this chapter:

(a) “Bird” means any order of Psittaciformes bird.

(b) “Unweaned bird” means any bird that is unaccustomed to eating enough food without human or animal assistance to sustain its own weight for at least two weeks.

(c) (1) “Pet shop” means any place or premises where pet birds are kept for the purpose of ~~either wholesale or retail sale.~~

(2) Pet shop does not include any person, firm, partnership, corporation, or other association that breeds or raises birds on the premises of the person, firm, partnership, corporation, or other association ~~and is not required to possess a permit pursuant to Section 6066 of the Revenue and Taxation Code.~~ association.

122321. This chapter does not apply to publicly operated pounds and humane societies.

122322. A pet shop may not be in possession of ~~a~~ *an* *unweaned* bird or sell a bird that is unweaned.

122323. A pet shop shall maintain a written record on the health, status, disposition, and age at time of acquisition and at sale of each bird for a period of not less than one year after disposition of the bird. Those records shall be available to humane officers, animal control officers, and law enforcement officers for inspection during normal business hours.

122324. (a) Any person violating any provision of this chapter shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per violation. The action may be prosecuted in the name of the people of the State of California by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred.

(b) Nothing in this chapter limits or authorizes any act or omission that violates Section 597 of the Penal Code.